

218083US6PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

Erich BAYER

: EXAMINER: TRAN, S.

SERIAL NO: 10/030,192

:

FILED: June 7, 2002

: GROUP ART UNIT: 2643

FOR: OTOPLASTY FOR BEHIND-THE-  
EAR HEARING AIDS

:

**RECEIVED**

APR 02 2003

Technology Center 2600

PROVISIONAL ELECTION OF SPECIES

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

In response to the Office Action dated January 27, 2003, Applicants elect with traverse the species depicted in Figures 12-15 of the present application. Accordingly, Applicants identify Claims 15-21 and 30 as readable on the provisionally elected species.

Applicants respectfully traverse the requirement for the following reason.

MPEP § 803 states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicants respectfully traverse the outstanding requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 15-31 be conducted.

Respectfully submitted,



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MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'G. J. Maier', written over a horizontal line.

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